

Planners again delay action on lake subdivision proposal

By MICHELLE MILLER
Staff Writer

FLY CREEK — Edward Walker has taken several steps in the past months in the hope of getting his proposed three-lot subdivision project on Glimmerhill Lane approved by the Town of Otsego Planning Board, but will have to be patient just a bit longer.

After listening to comments during a second public hearing and further examination of the project during the planning board meeting that followed, the board voted Tuesday night to schedule a special meeting to determine whether or not to approve the proposal. The meeting will be held at the Otsego Town Hall on Monday, June 15 at 7:30 p.m.

“I am handcuffed and I am ready to go,” said Walker.

“There is no way to wiggle out of the stuff I agreed to. It is in the record and required on the plat. It is actually stuff I’m willing to do. I willingly granted a 30 percent tree cutting maximum; I willingly put in 100-foot buffers and let contravention come in. There has been a lot of willing stuff.”

Walker asked the board for a road waiver and said he hoped for a final plat decision. However, he got neither. Board member Doug Green asked for a specific list of waivers the board would have to grant if the project were approved.

“I would like to take this as far as we possibly can tonight,” he said.

Chairman Paul Lord said the board would have to review town laws to determine what waivers would be needed. He said it would take approximately an hour and a half to determine and the board had six remaining applications to go over. “I will be patient another month because I think it is in my interest to be patient, I just ask you to do your homework. I’m not criticizing you, but this could go on for a long time. It has gone on for a long time. All the data is in all the agencies that are involved or are interested in issuing permits or that will issue permits have signed off, now I will sign off,” said Walker.

During the public hearing, Marilyn Bradshaw, who owns neighboring property, read an e-mail sent to her from Fire Chief Paul Bedworth concerning the safety of the road.

“I find it would be very difficult to fight a fire on there,” she read. “If my home were on that road I would be very concerned. There is nowhere for vehicles to pass and turn around.”

Bradshaw said the fire chief said he would like to see a turn around spot at the end of the road large enough for fire vehicles.

“Everything else we can deal with,” she continued to read.

Bradshaw said she thought a letter to the town supervisor from the Clark Foundation was worth reiterating and read from that.

The letter asked the board to protect and preserve Otsego Lake, which was referred to as a “matchless treasure.”

“We are firmly opposed to it (the proposed project) due to the various negative economic and environmental impacts it will have on fragile nature and quality of Otsego Lake. We agree with the multitude of concerns about this project, including run-off, access issues, and numerous procedural questions. We believe there is a need to follow the proper procedures for considering such requests now and in the future. Many homeowners, community organizations, such as the Otsego County Conservation Association, and governmental units, particularly the Otsego Lake Watershed Supervisory Committee, have raised these and other concerns about this development and the precedent it would set.”

Bradshaw said the board members have repeatedly said the planning board is not responsible for making

the laws, but for upholding and enforcing them. However, she said if the board grants all the waivers the development requires, then it will become a de facto legislative body effectively amending town laws.

Ann O'Connell, a neighbor of Walkers, said it is his constitutional right to use his property however he wishes. She said people and organizations have the right to be concerned about the development, but do not have the right to stop it.

Shirley Mower, of Jordanville, said she did not know Walker personally, but felt it would be a violation of the Fifth Amendment if the project were not allowed. People should worry more about the zebra mussels that are in the lake because soon nobody will be able to put their feet into it, said Mower. She said those against the proposal are all intertwined and are a closenit group only worried about control and probably have an agenda of their own. The DEC will be after this man if there are any problems, she added.

Win McIntyre, consultant of the Otsego Lake Watershed Supervisor Committee, said he commends Walker for all the hard work and time he has put into covering the bases of his proposal. However, McIntyre said he is worried about the deep slopes and the threat of pollution to the lake. He said leaving the hillside in tact and not cutting trees is the best practice for maintaining run-off water.

Mary Palmer, who grew up around the lake and now resides in Utica, said if the project is approved it is a step that cannot be taken back. Whatever precedent is set will be what is in place for years to come, she said. The lake is for the generations following us not just for us today, she continued.

Carol Akin, who has been at nearly every meeting to oppose the proposed project, asked the board how long until other developers will want to file applications to build? She said the company that built the new log cabins further north on the lake would probably be next.

`` We will soon see a dramatic change in the appearance from pristine woods to chunks of trees removed and greatly increased civilization all over the wooded mountainside," said Akin.

`` This would impact property values greatly. As property owners around Mr. Walker's property, many of us had their property taxes increased because of our location."

`` Part of the value of this beautiful mountainside property is its beauty and privacy. Why did so many of us put so much effort into the historical designation?" she continued.

At last month's board meeting, Walker's application was deemed complete contingent on the board's attorney's review of an ``example" deed that would require proper maintenance of the proposed drainage system by the owner of the property. Currently, Walker owns all three lots, so he would be responsible for maintenance. However, the board asked him to have an ``example" deed prepared knowing his intentions is to one day sell off the lots.

Board attorney Jim Ferrari advised the board to have Walker include specific language that would require new owners of the property to pick up responsibility of maintenance once property is sold. This was done and will be overseen by the Homeowners Association.